

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Aryee Henderson, also known as Aryee
Henderson #59105,

Plaintiff,

v.

Sgt. Frierson; Tonya Williams-Wallace;
Melissa Franklin; Ursula Dean; Nurse Scott;
Beverly Woods; Ester Labrador,

Defendants.

C/A No. 4:23-cv-3022-SAL-TER

ORDER

This is a civil action filed by a pro se litigant, proceeding in forma pauperis. Pending before this court is a Report and Recommendation (“the Report”) by Magistrate Judge Thomas E. Rogers, III, in which he recommends that all but one claim of the complaint be summarily dismissed. [ECF No. 15.] Plaintiff Aryee Henderson has filed objections to the Report. [ECF No. 23.] In his objections, Plaintiff asks to amend the complaint to remedy the issues identified in the Report. [ECF No. 23.] Plaintiff has also filed a motion for leave to amend his complaint. [ECF No. 25.] Under the federal rules “[a] party may amend its pleading once as a matter of course within . . . 21 days after serving it.” Fed. R. Civ. P. 15(a)(1)(A). Because Plaintiff is within 21 days of serving his complaint, and he has not previously amended his complaint, his motion to amend is **GRANTED**.

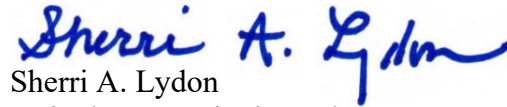
Accordingly, the Report filed by the magistrate judge is **VACATED**. Plaintiff is directed to file an amended complaint **within 21 days** of the date of this order. Plaintiff is reminded that an amended complaint replaces the original complaint and should be complete in itself. *See Young v. City of Mount Ranier*, 238 F.3d 567, 572 (4th Cir. 2001) (“As a general rule, an amended

pleading ordinarily supersedes the original and renders it of no legal effect.”) (citation and quotation marks omitted); *see also* 6 Charles Alan Wright et al., *Federal Practice and Procedure* § 1476 (3d ed. 2017) (“A pleading that has been amended under Rule 15(a) supersedes the pleading it modifies and remains in effect throughout the action unless it subsequently is modified. Once an amended pleading is interposed, the original pleading no longer performs any function in the case”).

In his objections, Plaintiff requests a copy of his verified complaint, declaration, and exhibits. [ECF No. 23 at 5.] His request is denied.¹ Plaintiff is directed to comply with the court’s copy policy—if he wishes to request copies in this case, he may submit his request to the Clerk’s Office along with any copy fees.

IT IS SO ORDERED.

September 26, 2023
Columbia, South Carolina


Sherri A. Lydon
United States District Judge

¹ The magistrate judge previously denied the request as well. The court’s copy policy has been provided to Plaintiff, and he has been directed to follow that policy. [ECF No. 21.]